

PHILIP M. MILLER (SBN 87877)  
 pmiller@sjlawcorp.com  
 ANNE BEVINGTON (SBN 111320)  
 abevington@sjlawcorp.com  
 SALTZMAN & JOHNSON LAW CORPORATION  
 44 Montgomery Street, Suite 2110  
 San Francisco, CA 94104  
 Telephone: (415) 882-7900  
 Facsimile: (415) 882-9287

Attorneys for Plaintiffs  
 Automotive Industries Pension  
 Trust Fund, et al.

Stephen McKae, Bar No. 66797  
 WENDEL, ROSEN, BLACK & DEAN LLP  
 1111 Broadway, 24th Floor  
 Oakland, California 94607  
 Telephone: (510) 834-6600  
 Facsimile: (510) 834-1928  
 Email: smckae@wendel.com

Attorneys for Defendant  
 Patrick M. Costello

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 (SAN FRANCISCO DIVISION)

AUTOMOTIVE INDUSTRIES PENSION  
 TRUST FUND, JAMES H. BENO, Trustee,  
 BILL BRUNELLI, Trustee, STEPHEN J.  
 MACK, Trustee, CHRIS CHRISTOPHERSEN,  
 Trustee, DON CROSATTO, Trustee, MARK  
 HOLLIBUSH, Trustee, JON ROSELLE,  
 Trustee, DOUG CORNFORD, Trustee, and  
 JAMES V. CANTERBURY, Trustee,

Plaintiffs,

v.

CROWN CHEVROLET, a California  
 corporation; PATRICK M. COSTELLO, an  
 individual; FLUID MAINTENANCE  
 EXPERTS, INC., a California corporation, and  
 DOES 1-10,

Defendants.

Case No.: CV 12-0265 SI

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT;  
 (PROPOSED) ORDER**

Date: July 20, 2012  
 Time: 3:00 p.m.  
 Courtroom: 10, 19<sup>th</sup> Floor  
 Judge: Honorable Susan Illston

**Complaint filed: January 18, 2012  
 Trial Date: June 24, 2013**

In accordance with Northern District Local Rule 16-10(d), plaintiffs and defendant Patrick  
 M. Costello submit this Joint Case Management Conference Statement, in advance of the further

Case Management Conference scheduled for July 20, 2012.

**1. Parties.**

Plaintiffs are the Automotive Industries Pension Trust Fund (“the Trust Fund”) and its Trustees. Plaintiffs brought this action under ERISA as amended by the Multiemployer Pension Plan Amendments Act of 1980 (“MPPAA”) to recover withdrawal liability and damages for alleged improper transfers of corporate assets.

Defendants are Crown Chevrolet, Inc., Fluid Maintenance Experts, Inc., and Patrick M. Costello. Defendants Crown Chevrolet and Fluid Maintenance Experts were served and failed to respond. Crown’s default was entered on March 1, 2012; Fluid Maintenance Experts’ default was entered on April 3, 2012. Patrick M. Costello was served and filed his Answer to Complaint on March 28, 2012, denying liability.

**2. Current Schedule.**

On May 4, 2012, the Court held the Initial Case Management Conference (Pretrial Minutes, Dkt #22) and set the following schedule:

7/20/12	Further Case Management Conference, 3:00 p.m.
8/31/12	Deadline for adding new parties and for plaintiffs to file motions for default judgment
11/30/12	Discovery cutoff
1/11/13	Expert designation
2/15/13	Rebuttal experts
3/22/13	Expert discovery cutoff
5/3/13	Hearing on dispositive motion, 9:00 a.m. (Motion due 3/29/13, Opposition 4/12/13 Reply 4/19/13)
6/11/13	Pretrial Conference, 3:30 p.m.
6/24/13	Trial, 8:30 a.m. (COURT: 3 Days)

**3. Progress Since Initial Case Management Conference.**

The plaintiffs and defendant Patrick Costello participated in a mediation session on June 18, 2012. The case did not settle. The parties do not believe that further ADR proceedings would be useful at this time.

Plaintiffs have been engaged in third party discovery for the purpose of determining whether

1 to add parties. Plaintiffs are still considering whether to do so. The deadline for adding parties is  
2 August 31, 2012. Plaintiffs will also propound discovery to defendant Patrick Costello.

3 Plaintiffs are attempting to secure a stipulation for entry of judgment from Crown  
4 Chevrolet and Fluid Maintenance, Inc., the defendants who are in default. If a stipulated judgment  
5 is not possible, plaintiffs will file motions for default judgment as to these two defendants on or  
6 before the deadline of August 31, 2012.

7 **4. Proposal for Remainder of Case Development Process**

8 The parties do not propose any changes to the current schedule at this time, but request that  
9 the Court set a further Case Management Conference on October 12, 2012, at 3:00 p.m., or on  
10 such other date in approximately 90 days as is convenient to the Court.

11 Dated: July 13, 2012.

SALTZMAN & JOHNSON LAW  
CORPORATION

13 By: /s/ Anne M. Bevington  
14 Anne M. Bevington  
Attorneys for Plaintiffs

15 Dated: July 13, 2012.

WENDEL, ROSEN, BLACK & DEAN LLP

17 By: /s/ Stephen McKae  
18 Stephen McKae  
Attorneys for Defendant  
Patrick M. Costello

19 **ORDER**

20 The Court having considered the Joint Case Management Statement of the parties, a  
21 further Case Management Conference is set for 9/14, 2012, at 3:00 p.m., in  
22 Courtroom 10, 19<sup>th</sup> Floor, at 3:00 p.m.

23 IT IS SO ORDERED.

24 DATED: 7/16, 2012.



25 HON. SUSAN ILLSTON  
26 UNITED STATES DISTRICT JUDGE